

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

THOMAS P. ACOSTA,
Petitioner,

Case No. 2:16-cv-02031-BR

ORDER

v.

BRIGITTE AMSBERRY,
Respondent.

BROWN, Judge.

Petitioner, an inmate at the Two Rivers Correctional Institution, brings this habeas corpus action pursuant to 28 U.S.C. § 2254. Currently before the Court is Petitioner's letter request (ECF No. 41) for reconsideration of the Court's September 28, 2017, Order granting Counsel for Petitioner's Motion to Withdraw and requiring Petitioner to proceed *pro se*.

In his letter, Petitioner states that he cannot read or write and that he will be unable to submit a brief in support of his

habeas petition. Petitioner further states that he informed the Court of his illiteracy during a June 22, 2017, telephonic hearing on a previous motion Petitioner filed seeking termination of his counsel.

The Court notes that upon review of the transcript of the June 22, 2017, telephonic hearing, Petitioner did not make any statement about his alleged illiteracy, but, at the outset of this case, the Court received a *pro se* letter from Petitioner seeking appointment of counsel in which Petitioner stated "I cannot read or write good at all" (ECF No. 5). The Court notes, nonetheless, that Petitioner has submitted a total of seven *pro se* documents to the Court¹, all of which appear to be written in the same hand, all of which appear to have been prepared by Petitioner himself, and all of which contain correct spelling, grammar, and a level of sophistication which directly contradicts a claim of illiteracy.

Accordingly, Petitioner must submit to the Court a Declaration under oath explaining to the Court whether he personally prepared the *pro se* documents listed in this Order or, if not, identifying specifically who did so or who assisted Petitioner in doing so.

¹The *pro se* documents filed by Petitioner include: Application to Proceed *In Forma Pauperis* (ECF No. 1); Petition for Writ of Habeas Corpus (ECF No. 2); Motion for Appointment of Counsel (ECF No. 3); Letter Request for Attorney (ECF No. 5); Supplement discussing Petitioner habeas claims (ECF No. 6); *Pro Se* Motion to Terminate Counsel (ECF No. 21); and *Pro Se* Notice of Appeal (ECF No. 37). In the Letter Request for Attorney (ECF No. 5), Petitioner included a joke.

Petitioner's submission is due no later than December 13, 2017, and upon receipt of Petitioner's submission, the Court will take UNDER ADVISEMENT Petitioner's letter request (ECF No. 41) for reconsideration of the Order requiring him to proceed *pro se*.

IT IS SO ORDERED.

DATED this 17th day of November, 2017.

A handwritten signature in cursive script, reading "Anna J. Brown", written over a horizontal line.

ANNA J. BROWN
United States Senior District Judge